

MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 3, 2013

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, SEPTEMBER 3, 2013, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder
Steve Buhler
Don Christensen
Tom Huynh
Karen Lang
Corey Rushton

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Steve Vincent

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director
Eric Bunderson, City Attorney
John Evans, Fire Chief
Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
Lee Russo, Police Chief
Jeannette Carpenter, Acting Finance Director
Chris Curtis, Acting CPD Director
Steve Lehman, Acting CED Director
Anita Schwemmer, Police Department
Jake Arslanian, Public Works Department
Jason Nau, Administration

16286

OPENING CEREMONY

The Opening Ceremony was conducted by Mike Winder on behalf of Steve Vincent. Upon invitation candidates Phil Conder and Lars Nordfelt introduced themselves to those in attendance at the meeting and discussed their feelings about West Valley City. All registered voters were encouraged to vote in the upcoming Municipal General Election.

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16287 **APPROVAL OF MINUTES OF REGULAR MEETING HELD AUGUST 20, 2013**

The Council read and considered Minutes of the Regular Meeting held August 20, 2013. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held August 20, 2013, as written. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16288 **PROCLAMATION DECLARING SEPTEMBER 11, 2013, AS "NATIONAL DAY OF SERVICE AND REMEMBRANCE" IN WEST VALLEY CITY**

Councilmember Buhler read a Proclamation declaring September 11, 2013, as "National Day of Service and Remembrance" in West Valley City.

16289 **COMMENT PERIOD**

A. **PUBLIC COMMENTS**

Upon inquiry by Mayor Winder the following individuals addressed the City Council during the comment period:

Willis Layton addressed the City Council and stated he was a proud citizen of West Valley City and recognized the continuing improvements being made to the community regarding quality of lives of its residents. Mr. Layton stated he desired to bring an intolerable condition in his neighborhood to the attention of the City Council. He discussed resurfacing of a street in his neighborhood and displayed photographs of scrap metal grates the City had placed near driveways of many homes. He stated he hoped this issue would be addressed and showed a photograph of his driveway and the residence directly across the street with a metal grate in front of their driveway. He turned on sound to demonstrate what occurred when someone drove in and out of their driveway and stated he hoped it would not be this way when the street was improved.

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Upon inquiry there was no one else who desired to address the City Council during the comment period.

B. CITY MANAGER COMMENTS

City Manager, Wayne Pyle, advised that Mr. Layton had previously contacted City staff regarding this issue. He reported staff would have no problem honoring Mr. Layton's request if another solution could be found that met the needs of the residents.

C. CITY COUNCIL COMMENTS

Mayor Winder expressed appreciation to City staff for working with residents.

16290

RESOLUTION NO. 13-128, APPROVE A REAL ESTATE PURCHASE AND OPTION AGREEMENT WITH DRP MANAGEMENT, INC., CELEBRITY BUILDERS PENSION PROFIT FBO KEN W. RINDLESBACH, AND KEN W. RINDLESBACH, PSP, TO PURCHASE PROPERTY LOCATED AT 6598 WEST PARKWAY BOULEVARD

City Manager, Wayne Pyle, presented proposed Resolution No. 13-128 which would approve a Real Estate Purchase and Option Agreement with DRP Management, Inc. Celebrity Builders Pension Profit FBO Ken W. Rindlesbach, and Ken W. Rindlesbach, PSP, in the amount of \$2,930,000.00, to purchase property located at 6598 West Parkway Boulevard.

Mr. Pyle stated the proposal, if approved, would give authorization for 32.03 acres located at approximately 6598 W. Parkway Boulevard to be used primarily for the Riter Canal Detention Basin Project.

The City Manager discussed the project and stated a small portion along the easterly boundary of the property would be used for construction of the 6400 West Extension Project which would extend from Parkway Boulevard to the SR-201 Frontage Road. He reported compensation for the purchase of property would be in the amount of \$2,930,000.00, based on an appraisal report prepared by Van Drimmelen & Associates, Inc. He also reported the agreement included an option for the sellers to purchase what would be a 2.98 acre remnant parcel after construction of the 6400 West Extension, with purchase price of the option parcel at \$272, 24.05. He stated the option period was for two years after the date of closing.

After discussion, Councilmember Rushton moved to approve Resolution No. 13-128, a Resolution Approving a Real Estate Purchase and Option Agreement with DRP Management, Inc., Celebrity Builders Pension Profit FBO Ken W. Rindlesbach, and Ken W. Rindlesbach, PSP, to Purchase Property Located at 6598 West Parkway Boulevard. Councilmember Lang seconded the motion.

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A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16291 **RESOLUTION NO. 13-129, APPROVE AN AGREEMENT WITH SEARCH GROUP PARTNERS EXECUTIVE SEARCH TO PROVIDE RECRUITING SERVICES FOR TWO CITY EXECUTIVE POSITIONS**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-129 which would approve an Agreement with Search Group Partners Executive Search, in the amount of \$33,300.00, to provide recruiting services for two City executive positions.

Mr. Pyle stated the proposed agreement would authorize Search Group to recruit candidates for two key positions at the City, a Strategic Communications Director and a Public Information Officer. He informed utilization of Search Group would provide the opportunity to recruit candidates that a traditional application process might not be able to capture. He advised Search Group had very thorough connections in the communications industry thus allowing for a broader reach of more qualified candidates.

The City Manager discussed the City's public relations and communications abilities and the creation and hiring of two new positions. He advised the positions would assist with strategic diagnosis of past, current and future issues that required a high level of expertise in strategic communications, public relations, and public outreach matters.

Councilmember Rushton declared a conflict of interest regarding proposed Resolution No. 13-129 and stated a family member worked for the firm Search Group Partners Executive Search.

After discussion, Councilmember Christensen moved to approve Resolution No. 13-129, a Resolution Authorizing West Valley City to enter into an Agreement with Search Group Partners Executive Search to Provide Recruiting Services for two City Executive Positions. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	No
Mr. Rushton	Abstain
Mr. Christensen	Yes
Mayor Winder	Yes

Majority.

16292

RESOLUTION NO. 13-130, APPROVE AN AGREEMENT WITH DLS CONSULTING, INC. TO PROVIDE PROFESSIONAL SERVICES DURING THE 2013-2014 FISCAL YEAR

City Manager, Wayne Pyle, presented proposed Resolution No. 13-130 which would approve an Agreement with DLS Consulting, Inc., in the amount of \$80,000.00, to provide professional services during the 2013-2014 fiscal year.

Mr. Pyle stated Dave Stewart with DLS Consulting, Inc. had represented the City for several years at the Utah State Legislature. He indicated that representation had resulted in receipt of significant appropriation for the City and provided protection from regulations that could have been detrimental. He also stated Mr. Stewart had exceptional knowledge of the City and its needs and was able to represent the City affectively.

The City Manager reported DLS would provide the City with professional services by interacting with other governmental agencies, including lobbying the Utah Legislature on issues important to the City. He also advised the proposed agreement had a 30 day termination provision.

After discussion, Councilmember Huynh moved to approve Resolution No. 13-130, a Resolution Authorizing the City to enter into an Agreement With DLS Consulting, Inc. to Provide Professional Services during the 2013-2014 Fiscal Year. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

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RESOLUTION NO. 13-131, APPROVE AN AGREEMENT WITH THE HAMM CONSULTING GROUP, L.L.C. FOR REPRESENTATION IN WASHINGTON, D.C. FOR THE THREE YEAR PERIOD COMMENCING JULY 1, 2013, AND ENDING JUNE 30, 2016

City Manager, Wayne Pyle, presented proposed Resolution No. 13-131 which would approve an Agreement with The Hamm Consulting Group, L.L.C., in the amount of \$204,000.00, for representation in Washington, D.C. for the three year period commencing July 1, 2013, and ending June 30, 2016.

Mr. Pyle stated the proposal would authorize payment of \$64,000.00 for the first year of the agreement, \$68,000.00 for the second year, and \$72,000.00 for the third year, payable in monthly installments.

He advised the City had contracted with The Ferguson Group for many years to provide consulting and lobby services in Washington, D.C. He indicated that over the past three years, The Ferguson Group had undergone several staffing changes. Additionally, for several years, the U.S. Congress had refused to provide any funding through earmarks, and those two circumstances had resulted in the need for a change to the City's Federal consulting contact. He reported Ron Hamm had been the City's client representative with The Ferguson Group for many years and was well versed regarding the City's needs. He stated Mr. Hamm had been engaged in private consulting outside of The Ferguson Group for two years and could help the City attain numerous goals and objectives regarding an aggressive Federal agenda.

After discussion, Councilmember Rushton moved to approve Resolution No. 13-131, a Resolution Authorizing the City to enter into an Agreement with The Hamm Consulting Group, L.L.C. for Representation in Washington, D.C. for the Three Year Period Commencing July 1, 2013, and Ending June 30, 2016. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

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16294

RESOLUTION NO. 13-134 RATIFY THE CITY MANAGER'S APPOINTMENT OF LEE W. RUSSO TO THE OFFICE OF POLICE CHIEF

City Manager, Wayne Pyle, presented proposed Resolution No. 13-134 which would ratify his appointment of Lee W. Russo to the Office of Police Chief.

Mr. Pyle reported the City had advertised for two months and received 36 applications for the position of Police Chief. He also reported each candidate had been asked to respond via social media to a series of questions and based on those responses nine candidates had been invited to participate in an assessment center interview process. He indicated the interview team consisted of 15 individuals including West Valley City citizens and City staff, police chiefs from other jurisdictions, members of the media, and elected officials. He explained candidates had been asked to role play, respond to real life police scenarios, respond to questions related to their experience and leadership philosophy, and respond to questions related to their knowledge of West Valley City. The interview team then narrowed the pool to four candidates who were interviewed by the City Manager. He stated he also sought advice and counsel of elected officials during the selection process.

City Manager, Wayne Pyle, requested ratification of his appointment of Lee W. Russo to the Office of West Valley City Police Chief.

After discussion, Councilmember Lang moved to approve Resolution No. 13-134, a Resolution Ratifying the City Manager's Appointment of Lee W. Russo to the Office of Police Chief. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

The City Manager advised the Oath of Office would be administered later due to Chief Russo's pending certification with Utah Peace Officers Standards and Training (POST).

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16295 **RESOLUTION NO. 13-135, APPROVE AN EMPLOYMENT AGREEMENT WITH LEE W. RUSSO TO SERVE AS THE WEST VALLEY CITY POLICE CHIEF FOR A TERM OF FIVE YEARS**

City Manager, Wayne Pyle, presented proposed Resolution No. 13-135 which would approve an Employment Agreement with Lee W. Russo to serve as the West Valley City Police Chief for a term of five years.

Mr. Pyle stated that after fielding a number of applicants through an intensive screening process it had been determined Mr. Russo was the best qualified candidate to serve as the City's Police Chief. He advised that Mr. Russo had requested an employment agreement in his acceptance of appointment to the position of Police Chief.

After discussion, Councilmember Christensen moved to approve Resolution No. 13-135, a Resolution Authorizing the City to enter into an Employment Agreement with Lee W. Russo to Serve as the West Valley City Police Chief for a Term of Five Years. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16296 **APPLICATION NO. S-19-2013, FILED BY LEE CONANT, REQUESTING FINAL PLAT APPROVAL FOR LANCER COURT SUBDIVISION LOCATED AT 3260 WEST 3650 SOUTH**

City Manager, Wayne Pyle, presented Application No. S-19-2013, filed by Lee Conant, requesting final plat approval for Lancer Court Subdivision located at 3260 West 3650 South.

Mr. Pyle stated the subject property was presently vacant and previously owned by the LDS Church, with the original church building being demolished a number of years ago and the site being vacant since that time. He indicated the proposed subdivision was bordered on the north, south and west by existing residential uses and on the east by the West Valley Congregation of Jehovah's Witness Church.

The City Manager reported the subdivision would consist of nine lots on 2.5 acres with lots ranging in size from 8,219 to 13,968 square feet. He explained one lot

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within the subdivision would front 3650 South while all other lots would face into the cul-de-sac. He also reported access would be gained from 3650 South with the subdivision then culminating into the cul-de-sac. The developer would need to dedicate 3650 South to a 33 foot half width and would be required to install curb, gutter, sidewalk parkstrip, and asphalt. He stated the new cul-de-sac would be a standard 54 foot right-of-way and have similar improvements.

He also reported a soils report had been prepared indicating ground water encountered at depths ranging from 7.5 feet to nine feet. He advised the City required the lowest floor slab be three feet above the high water table. Based on that number, it appeared all dwellings would be eligible for basements.

After discussion, Councilmember Buhler moved to approve Application No. S-19-2013, filed by Lee Conant, and give final plat approval for Lancer Court Subdivision Located at 3260 West 3650 South. Councilmember Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16297

APPLICATION NO. S-17-2013, FILED BY NATOMAS MEADOWS LLC, REQUESTING FINAL PLAT APPROVAL FOR FREEPORT WEST PHASE 1 SUBDIVISION LOCATED AT 6750 WEST SR-201

City Manager, Wayne Pyle, presented Application No. S-17-2013, filed by Natomas Meadows LLC, requesting final plat approval for Freeport West Phase 1 Subdivision located at 6750 West SR-201.

Mr. Pyle stated Corbin Bennion, representing Natomas Meadows LLC, applicant, had requested final plat approval for the first phase of the Freeport West – WV Phase 1 Subdivision. He indicated the subject property was located immediately to the south of SR-201 and to the west and south of the Rocky Mountain Raceway. He advised the property was presently zoned Manufacturing.

The City Manager reported the proposed subdivision had been requested to create one lot for the first phase of a large industrial park to be known as Freeport West. Along with division of property to create the first lot, the subdivision plat would

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also dedicate two new roads to be known as 6750 West and 2550 South. These roads would connect with the SR-201 Frontage Road and 6400 West, respectively.

Mr. Pyle reported access to the subdivision would be gained from the SR-201 Frontage Road and from an eventual connection with 6400 West. He stated future rights-of-way would be dedicated as property developed to the east and west. The cross section to be used as well as future rights-of-way within the development site would be 66 feet. A parkstrip and sidewalk would be located on one side of the roadway which was standard in the Manufacturing zone.

The City Manager further reported the City would widen and install curb and gutter along the south side of the SR-201 Frontage Road. In addition to these improvements, the overhead power lines would be placed underground in a 10 foot public utility easement. He stated the developer would be responsible for landscaping and site improvements which would be reviewed by the Planning Commission as part of the conditional use application process.

After discussion, Councilmember Christensen moved to approve Application No. S-17-2013, filed by Natomas Meadows LLC, and give final plat approval for Freeport West Phase 1 Subdivision Located at 6750 West SR-201. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16298

CONVENE AS BOARD OF CANVASSERS AND CERTIFY RESULTS OF THE RECOUNT OF THE AUGUST 13, 2013 MUNICIPAL PRIMARY ELECTION FOR OFFICE OF MAYOR

The City Council convened as the Board of Canvassers to consider and certify results of the recount of the August 13, 2013 Municipal Primary Election for the office of Mayor.

The City Council convened as the Board of Canvassers and with City Recorder, Sheri McKendrick, reviewed results of the recount for the office of Mayor for the

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Municipal Primary Election held August 13, 2013, as shown on the Canvass Report.

ACTION: CONSIDER RESOLUTION NO. 13-137, ACCEPTING AND APPROVING RESULTS OF THE MUNICIPAL PRIMARY ELECTION RECOUNT FOR THE OFFICE OF MAYOR AS SHOWN ON THE CANVASS REPORT

City Manager, Wayne Pyle, presented proposed Resolution No. 13-137 which would accept and approve the results of the recount for the office of Mayor for the Municipal Primary Election held August 13, 2013, as shown on the Canvass Report.

Mr. Pyle stated the City Council was the legislative body of West Valley City and comprised the Board of Municipal Canvassers pursuant to Utah Code 20A-4-301(2). He reported the Code required the Board of Municipal Canvassers to meet to canvass the returns of the Municipal Primary Election recount.

After discussion, Councilmember Christensen moved to approve Resolution No. 13-137, a Resolution Accepting and Approving the Results of the Municipal Primary Election Recount for the Office of Mayor as Shown on the Canvass Report. Councilmember Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16299

CONSENT AGENDA:

A. RESOLUTION NO. 13-132, RATIFY THE CITY MANAGER'S APPOINTMENT OF CLOVER MEADERS AS MEMBER OF THE BOARD OF ADJUSTMENT, TERM: SEPTEMBER 3, 2013 – JULY 1, 2018

City Manager, Wayne Pyle, presented proposed Resolution No. 13-132 which would ratify his appointment of Clover Meaders as a member of the Board of Adjustment for the term September 3, 2013, through July 1, 2018.

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Mr. Pyle stated Ms. Meaders had expressed an interest in serving on the Board of Adjustment. He advised she had received her Juris Doctor degree from the S. J. Quinney College of Law at the University of Utah and was a member of the Utah State Bar. Mr. Pyle indicated the appointee also had experience as a practicing attorney for the Utah Education Association, a Law Clerk for the Salt Lake City Office of the Attorney General, and as assistant to the City Planner of Herriman City. He stated appointment of Ms. Meaders was based on belief she would be a valuable asset to the City in serving on the Board of Adjustment.

B. RESOLUTION NO. 13-133, RATIFY THE CITY MANAGER'S APPOINTMENT OF WILLIAM WHETSTONE AS ALTERNATE MEMBER OF THE BOARD OF ADJUSTMENT, TERM: SEPTEMBER 3, 2013 – JULY 1, 2018

City Manager, Wayne Pyle, presented proposed Resolution No. 13-133 which would ratify his appointment of William Whetstone as an alternate member of the Board of Adjustment for the term September 3, 2013, through July 1, 2018.

Mr. Pyle stated Mr. Whetstone had expressed an interest in serving on the Board of Adjustment. He advised the appointee received a Bachelor of Science degree in Business Management from the University of Phoenix and presently was the Senior Manager for the American Express Center for Community Development. His experience also included project management, sourcing and underwriting of loans and investments and Crew Chief in the Utah Air National Guard working in the Maintenance Operation Center. He stated appointment of Mr. Whetstone was based on belief he would be a valuable asset to the City serving on the Board of Adjustment.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 13-132 and 13-133 as presented on the Consent Agenda. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

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Mayor Winder recognized appointees Clover Meaders and William Whetstone who were in attendance at the meeting. On behalf of the City Council, the Mayor expressed appreciation for their willingness to serve the City.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, SEPTEMBER 3, 2013, WAS ADJOURNED AT 7:04 P.M., BY MAYOR WINDER.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, September 3, 2013.

Sheri McKendrick, MMC
City Recorder